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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,247	09/14/2001	Mikko Puuskari	P- 281450	2288

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EXAMINER	
HOM, SHICK C	

ART UNIT	PAPER NUMBER
2616	

MAIL DATE	DELIVERY MODE
12/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/869,247	PUUSKARI, MIKKO	
	Examiner	Art Unit	
	Shick C. Hom	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 October 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *10-13* is/are allowed.

6)☒ Claim(s) *1,14,17-21 and 24-29* is/are rejected.

7)☒ Claim(s) *2-9,15,16,22 and 23* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/15/07 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 17 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by lager et al. (6,636,502).

Regarding claims 17 and 25:

Lager et al. disclose a support node comprising a processor configured, in response to an address of a second gateway support node included in a message received from a first gateway node, to activate establishment of a tunnel to be used for transmitting packets with said second gateway support node (col. 4 lines 7-18 recite the support node GGSN establishing a tunnel with the serving GPRS support node, i.e. second gateway support node, including the use of an address containing routing information as claimed).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1, 14, 20-21, 24, and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over lager et al. (6,636,502) in view of Kelly (2001/0055299).

Regarding claims 1, 14, 20-21, 24, and 28-29:

Lager et al. disclose the method, comprising:

defining at least one condition for a first gateway support node, so that when the condition is fulfilled, a second gateway support node is more suitable for transmitting packets over a connection, the second gateway support node being an alternative to the first gateway support node so that the packets are transmitted from a subscriber either via the first gateway support node or via the second gateway support node, the condition not relating to a receiver of a packet (the abstract recite a switching device for selection of packet data

communication network (PDN, PDN2, IN) based upon specific network indication parameter NIP transmitted to a support node SGSN; and col. 1 lines 8-15 recite the selection being of gateway support node GGSN clearly reads on the defined condition not being related to a receiver of a packet whereby a second gateway support node is more suitable for transmitting packets over a connection as claimed).

Lager et al. disclose all the subject matter of the claimed invention with the exception of detecting, by the first gateway node that the condition is fulfilled, and instructing, by the first gateway node, to select the second gateway support node by sending a first message indicating the second gateway support node.

Kelly from the same or similar fields of endeavor teach that it is known to provide detecting, by the first gateway node that the condition is fulfilled, and instructing, by the first gateway node, to select the second gateway support node by sending a first message indicating the second gateway support node (paragraphs 0018-0019 recite determining from the received data for establishing communication connection on the circuit-switch communication network and on the packet-switched data network including the gateway coupled to the network and

paragraph 0066 recite the initially contacted gateway, i.e. first gateway node, contacting the selected gateway, i.e. second gateway node, for establishing the communication link reads on detecting condition being fulfilled, and the first gateway node selecting the second gateway node by sending a message indicating the second gateway support node as claimed).

Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to use provide the step of detecting, by the first gateway node that the condition is fulfilled, and instructing, by the first gateway node, to select the second gateway support node by sending a first message indicating the second gateway support node as taught by Kelly in the communications network and method of Lager et al.

The step of detecting, by the first gateway node that the condition is fulfilled, and instructing, by the first gateway node, to select the second gateway support node by sending a first message indicating the second gateway support node can be implemented by including the step of detecting fulfilled conditions and instructing the second gateway of Kelly to the method of selecting gateway of Lager et al.

The motivation for using the step of detecting, by the first gateway node that the condition is fulfilled, and instructing, by the first gateway node, to select the second gateway support node by sending a first message indicating the second gateway support node as taught by Kelly in the communication network and method of Lager et al. being that it provides more efficiency for the system since the system can more easily re-configure the connects so that calls to either packet-switched network and circuit-switched networks can be established.

7. Claims 18-19 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lager et al. (6,636,502) in view of Chen et al. (6,738,909).

Regarding claims 18-19 and 26-27:

Lager et al. disclose the support node described in paragraph 4 of this office action. Lager et al. disclose all the subject matter of the claimed invention with the exception of removing an existing tunnel to the first gateway support node in response to activation of tunnel establishment and to

successful establishment of the tunnel to the second gateway support node.

Chen et al. from the same or similar fields of endeavor teach that it is known to provide means and step of removing an existing tunnel to the first gateway support node in response to activation of tunnel establishment and to successful establishment of the tunnel to the second gateway support node (col. 9 lines 28-59 recite the step of removing the tunnel).

Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide the means and step of removing an existing tunnel to the first gateway support node in response to activation of tunnel establishment and to successful establishment of the tunnel to the second gateway support node as taught by Cheng et al. in the device of Lager et al.

The means and step of removing an existing tunnel to the first gateway support node in response to activation of tunnel establishment and to successful establishment of the tunnel to the second gateway support node can be implemented by connecting the means and step of removing tunnel of Cheng et al. in the device of Lager et al.

The motivation for using means for removing an existing tunnel to the first gateway support node in response to activation of tunnel establishment and to successful establishment of the tunnel to the second gateway support node as taught by Cheng et al. in the communication device of Lager et al. being that it provides more efficiency for the system since the system can save resources by removing no longer needed connection links.

Allowable Subject Matter

8. Claims 2-9, 15-16, and 22-23 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

9. Claims 10-13 are allowed.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
Shaheen discloses a method and apparatus for supporting handoff and serving radio network subsystem relocation procedures in a single tunnel GPRS-based wireless communication system.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C. Hom whose telephone number is 571-272-3173. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pham Chi can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SH SH

CHI PHAM
SUPERVISORY PATENT EXAMINER
12/18/07